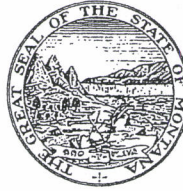


OFFICE OF THE GOVERNOR
STATE OF MONTANASTEVE BULLOCK
GOVERNORJOHN WALSH
LT. GOVERNOR

February 22, 2013

The Honorable Jeff Essmann
President, Montana State Senate
Capitol Station
Helena, Montana 59620

By Hand-Delivery

Dear President Essmann:

In accordance with Montana Code Annotated 5-5-302, I submit to you and the Montana Senate my cabinet appointments for confirmation.

- Department of Administration, Director, **Ms. Sheila Hogan**, 2110 East 6th Avenue, Helena, MT 59601, appointed December 27, 2012, start date January 7, 2013;
- Department of Agriculture, Director, **Mr. Ron de Yong**, 833 11th Avenue, Helena, MT 59601, appointed January 2, 2013, start date January 7, 2013;
- Department of Commerce, Director, **Ms. Meg O'Leary**, 2722 Belt View Drive, Helena, MT 59601, appointed November 30, 2012, start date January 7, 2013;
- Department of Corrections, Director, **Mr. Mike Batista**, 919 Stuart Street, Helena, MT 59601, appointed November 30, 2012, start date January 7, 2013;
- Department of Environmental Quality, Director, **Ms. Tracy Stone-Manning**, 10 Columbine Road, Missoula, MT 59802, appointed December 14, 2012, start date January 7, 2013;
- Department of Fish, Wildlife and Parks, Director, **Mr. M. Jeff Hagener**, 909 Cherry Ave., Helena, MT 59601, appointed December 28, 2012, start date January 7, 2013;
- Department of Labor and Industry, Commissioner, **Ms. Pam Bucy**, 808 8th Avenue, Helena, MT 59601, appointed November 30, 2012, start date January 7, 2013;

- Department of Military Affairs, Adjutant General, **Major General Matthew Quinn**, 2610 Peregrine Loop, Missoula, MT 59808, appointed January 2, 2013, start date January 7, 2013;
- Department of Natural Resources and Conservation, Director, **Mr. John Tubbs**, 900 University Street, Helena, MT 59601, appointed December 13, 2012, start date January 7, 2013;
- Northwest Power and Conservation Council, Member, **Mr. Pat Smith**, 1733 McClure Road, Arlee, MT 59821, appointed January 24, 2013, start date January 28, 2013;
- Northwest Power and Conservation Council, Member, **Ms. Jennifer Anders**, 17 Willow Road, Clancy, MT 59634, appointed February 5, 2013, start date March 4, 2013;
- Department of Public Health and Human Services, Director, **Mr. Richard Oppen**, 704 N Rodney, Helena, MT 59601, appointed December 27, 2012, start date January 7, 2013;
- Department of Revenue, Director, **Mr. Mike Kadas**, 922 Taylor, Missoula, MT 59802, appointed December 20, 2012, start date January 7, 2013; and
- Department of Transportation, Director, **Mr. Mike Tooley**, 919 Cannon Street, Helena, MT 59601, appointed December 13, 2012, start date January 7, 2013.

I have included additional materials for your consideration. I have also asked Stacey Otterstrom, my Boards and Appointments Advisor, to coordinate with your office and Legislative Services as these appointments move through the confirmation process. Thank you.

Sincerely,



STEVE BULLOCK
Governor

C: Senator Jon Sesso
Susan Fox, Legislative Services

GOVERNOR STEVE BULLOCK
2013 Cabinet Appointees

Northwest Power and Conservation Council

Pat Smith

Included: Resume
 Executive Appointment Confirmation Review Form
 D-1 Form

PATRICK L. SMITH

EDUCATION:

UNIVERSITY OF MONTANA SCHOOL OF LAW
Missoula, Montana
Juris Doctor 1982

UNIVERSITY OF MONTANA
Missoula, Montana
Bachelor of Arts, History/Political Science; 1975

LEGAL EXPERIENCE:

SMITH & ASSOCIATES, PC
Missoula, Montana (1994 -Present)
A law firm specializing in Indian law and defense of Native American rights
Focus: General legal counsel; civil litigation; state-tribal agreements; natural resource law; water rights; economic development; contracting; interface with federal and state governments.

SALISH-KOOTENAI TRIBAL LEGAL DEPARTMENT
Flathead Reservation (Pablo, Montana)
Tenure: 1984 - 1994
Focus: State-tribal agreements; natural resource law; water rights; FIIP; federal Indian law; voting rights; utility law.
Roles: Managing Attorney (1992-1993)

PATTEN & RENZ
Billings, Montana (1982-1984)
Associate Attorney in small firm.
Focus: Civil litigation; federal Indian law; co-counsel in *Windy Boy v. Big Horn County*, 647 F. Supp. 1002 (D. Mont. 1986) (a leading Indian voting rights case); utility law.

OTHER EXPERIENCE:

UNIVERSITY OF MONTANA SCHOOL OF LAW
Board of Trustees (2007-2011)

MONTANA REDISTRICTING COMMISSION
Democratic Appointee (2009-2012)

CHIEF JUDGE,
SALISH-KOOTENAI APPELLATE COURT
(1997-2002)

INDIAN LAW CLINIC
University of Montana School of Law
Co-founder (1980)

ADMISSIONS:

Montana State Bar
United States District Court
Ninth Circuit Court of Appeals
United States Supreme Court

TRIBAL AFFILIATION:

Enrolled Member of the Assiniboine Tribe
Fort Peck Indian Reservation

PERSONAL INFORMATION:

Born in Helena in 1952, and graduated from Billings West High School in 1970. Married Michelle Stearns of Harlowton in 1984. Have lived in Arlee since 1984. Brother operates family wheat farm on the Fort Peck Reservation.

ADDRESS:

Smith & Associates, P.C.
405 South First Street West
Missoula, Montana 59801
Work: 406/ 721-1070
Cell: 406/ 544-3659
Home: 406/ 726-3955
E-Mail: patsmith@graywolfmt.com
Address: 1733 McClure Rd, Arlee MT 59821

EXECUTIVE APPOINTMENT CONFIRMATION REVIEW FORM

The information from this questionnaire will be used by the Montana Senate in considering action on your confirmation. The questionnaire must be completed in full. Answer "none" or "not applicable" where appropriate. If an item of information is "unknown," so state.

Applicants are also strongly encouraged to attach a current resume or curriculum vitae.

Office or Position Sought Northwest Power and Conservation Council
Date of Nomination January 24, 2013

BIOGRAPHICAL INFORMATION – SECTION 1

Full Name Patrick L Smith			
List each maiden name, nickname, and any other names you have ever used or been known by None			
Current Residence 1733 McClure Road			
City Arlee	State Montana	Zip 59821	Years at current residence 28
If less than two years at current address, please list previous address			
City	State	Zip	Years at previous residence
Business Phone Number 406 721 1070		Email Address patsmith@graywolfmt.com	
Date of Birth October 13, 1952		Place of Birth Helena, Montana	
Are you a citizen of the United States? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Are you a resident of Montana? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

Spouse's Name (if married or separated):

EDUCATION – SECTION 2

List each college, university, vocational or other postsecondary schools you have attended regardless of duration

Institution Name	Degrees or Certificates Awarded	Dates Attended
University of Montana, School of Law	J.D.	1979-1982
University of Montana	B.A., History/Political Science	1971-1975
Eastern Montana College	Freshman Year	1970-1971

Employer Name	Employer Address	Position(s) Held	Dates Employed
Smith & Associates, PC	405 S. 1 st St. W Missoula, MT 59801	Partner	1994-2012
Salish-Kootenai Tribal Legal Department	P.O. Box 278 Pablo, Montana 59855	Staff Attorney Managing Attorney	1984-1994
Patten & Renz	1 st Ave N. Billings, MT	Associate Attorney	1982-1984

MEMBERSHIPS – SECTION 4

List any professional or occupational licenses you have held or now hold. (Attach a list if necessary)

Name of Licensing Agency	License Number	Date(s) Licensed
Montana State Bar	No. 2266	1982 to Present

<p>Have you ever been the subject of any professional disciplinary proceeding or had any professional license or permit revoked or restricted upon a finding of professional misconduct? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>		
<p>If yes, please write a detailed explanation on a separate sheet of paper and attach to this form</p>		
<p>List any memberships or offices you have held or now hold in professional, community, or trade organizations during the last ten (10) years. Begin with the most recent information (Attach a list if necessary)</p>		
Organization Name	Position(s) Held	
University of Montana School of Law	Board of Visitors 2009-2012	
Confederated Salish and Kootenai Tribes	Chief Judge Salish-Kootenai Appellate Court (1997-2002)	

LOBBYING ACTIVITY – SECTION 5	
<p>Have you ever been a registered lobbyist at any level of government during the last ten (10) years? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>If yes, list any agency or public office you lobbied and each principal you represented</p>	
<p>To the best of your knowledge, have you, or anyone in your immediate family which you have a material interest been investigated, reprimanded, fined or suspended from doing business with any state or federal agency? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>If yes, please write a detailed explanation on a separate sheet of paper and attach it to this form</p>	

TAX COMPLIANCE – SECTION 6

Have you filed all federal, state, municipal city tax returns which are now due or overdue?

☒ Yes ☐ No

If no, please write a detailed explanation on a separate sheet of paper and attach it to this form

Have you ever been subject to a tax forfeiture action?

☐ Yes ☒ No

If yes, please write a detailed explanation on a separate sheet of paper and attach it to this form

FINANCIAL DISCLOSURES – SECTION 7

Please attach a current copy of Form D-1, filed with the Montana Commissioner of Political Practices

INTERESTS AND DUTIES – SECTION 8

Briefly explain your interest in the office to which you have been nominated

As a staff attorney for the Salish-Kootenai Legal Department, and in private practice, I have worked extensively in fishery, water, and Tribal treaty issues. I also was the Salish-Kootenai staff attorney for five years to Mission Valley Power (MVP), the federally-owned utility providing electricity to all residents of the Flathead Reservation. Through this work, I gained broad experience and knowledge in fishery, electric utility, and treaty issues. I am familiar and appreciate the complexity of the federal, state and tribal interests involved in the management of these critical regional resources. I am humbled and excited about the opportunity to serve Montana on the Northwest Power and Conservation Council.

Briefly identify three (3) key challenges you see facing the agency or office to which you were nominated for appointment

1. **Invasive Species (Mussels).** *A new, emerging challenge facing Montana and the region is the potential invasion of zebra and quagga mussels to Montana's and the Northwest's legendary rivers and lakes. This invasion first occurred west of the Mississippi at Lake Mead in 2007 and has spread throughout the Southwest. The Northwest is the only region in the country that is free from mussel infestations. This threat is prominently mentioned in the NW Power Council's 2012 Report to Congress. In my view, the efforts to combat these invasive mussels in underfunded and under-supported. The cost to the region of not aggressively combating this potential invasion could be in the hundreds of millions of dollars—so a well-funded and well-supported educational and suppression campaign is a sound investment for Montana and the Region.*
2. **Effective F&W Plan.** *The 1980 NW Power Act requires the Power Council to adopt a fish and wildlife plan every five years (which the Bonneville Power Administration, BPA, must fund) to protect, mitigate and enhance fish and wildlife impacted by the massive federal hydroelectric system on the Columbia River and its tributaries. Some 32 years after passage of the Act, the focus has shifted from studying the problem to implementation of measures to protect fisheries.*

Utilities in the region (and western MT rural electric coops) want to make sure that ratepayer-funded fishery programs are effective and obtaining the predicted results. The Power Council must carefully monitor the programs being funded to ensure that results are effective, and adapt to more effective measures where possible (adaptive management). Application of good science coupled with a careful monitoring of results is the best way to ensure that funding of F&W programs obtain the desired results—and are effective.

3. **Cost-Effective Energy Policy.** The Power Act also requires the Power Council to adopt a regional electric power plan every five years that is binding on BPA. Indisputably, the most cost-effective way to meet future energy loads is to reduce the load through energy efficiency measures. In the last 28 years, energy efficiency measures have reduced regional electricity load equivalent to the electricity consumed by four cities the size of Seattle—at about 1/3 the cost of other resources, saving \$1.8 billion to ratepayers, and creating local jobs. But implementing energy efficiency is easier with larger utilities in big cities. It is a more difficult task to accomplish in rural areas, such as western MT's rural electric cooperatives. So it will be a challenge to push BPA to better fund energy efficiency programs in rural areas like Montana, and to provide more resources and flexibility to rural electric coops and Montana cities. I will also be looking out for Montana and "upper basin" interests as the region is engaged in evaluating the future of the 1964 Columbia River Treaty.

Briefly explain your views regarding the role of legislative intent in administering the law by your respective agency

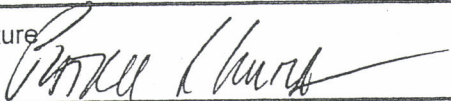
The Northwest Power Act and the creation of the Power Council are set forth in federal law (Public Law No. 96-501, 94 Stat. 2697). As an attorney, I have been taught that where the meaning of a statute is clear from a plain reading of the statute, there is no need to revert to legislative history or legislative intent. On the other hand, if there is an ambiguity in the law, then it may be necessary to review the legislative history and legislative intent. That is the standard that the courts are supposed to follow, and I subscribe to that standard.

Briefly explain how you plan to administer your agency in a fair and effective manner

There are many interests, some times conflicting, that are impacted by the Northwest Power Act and the policies and programs enacted by the Power Council. Western Montana (and rural electric coops that straddle the divide) is the only region of Montana that is included in the scope of the Northwest Power Act. While I would take into consideration the best interests of the four-state region, my principal focus and allegiance would be to Montana's (upstream) interests. In Montana, I would reach out to and welcome input from all interested persons, including state, local and tribal officials, rural electric coops (who are entitled to electricity preference rights under the Act), business interests, consumers and non-governmental organizations. I believe good decision-making is aided by outreach to all affected entities and becoming knowledgeable about the diversity of perspectives on issues impacted by the Northwest Power Act. The law also requires public hearings and transparency. To the maximum extent possible, I would seek to build areas of consensus.

CERTIFICATION – SECTION 9

I hereby certify under penalty or perjury under the laws of the State of Montana, that the foregoing statements are true, complete, and correct to the best of my knowledge.

Signature 	Date 2-3-13
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SUPPLEMENTAL INFORMATION – CRIMINAL ACTIVITY

Since (and including) your 18th birthday, have you ever been charged of committing a crime? Do not include minor traffic offenses resulting in fines less than \$100 and offenses sealed by court order

☒ Yes ☐ No (See below)

If yes, please write a detailed explanation on a separate sheet of paper and attach it to this form

Since (and including) your 18th birthday, have you ever been or are you currently on probation or parole?

☐ Yes ☒ No

If yes, please write a detailed explanation on a separate sheet of paper and attach it to this form

To the best of your knowledge have you ever been the subject of a federal or state criminal investigation?

☐ Yes ☒ No

If yes, please write a detailed explanation on a separate sheet of paper and attach it to this form

When I was 18, I was arrested for a misdemeanor by the tribal police in Poplar, Montana. I was caught drinking beer with my cousin Paul Smith and two friends. Because I was 18, and they were underage (two years younger), I was charged with contributing to the delinquency of a minor. The Tribal Judge simply released me the next morning to the custody of my father (charges were dropped as far as I know or remember).

9. OTHER BUSINESS INTERESTS

List each business (corporation, partnership, or other business or professional entity or trust) in which you hold an interest that currently is valued at \$1,000 or more. (Attach a list if necessary)

- A "business interest" DOES include ownership of any security, equity, or evidence of indebtedness in any business corporation or other entity. If the security is a privately held corporation, list the name and address of the corporation. If the security is a corporation listed on a regulated stock exchange, list the name of the corporation; no address is required. If the security is held in a mutual fund, unit investment trust, or real estate investment trust, list the name of the fund or trust and NOT the individual name of the corporation; no address is required.
- A "business interest" DOES NOT include ownership of personal property not held for use or sale in a business or for investment (vehicles/household furnishings), cash surrender value of any insurance policy or annuity, bank deposits or certificates of deposit if not held for use in a business, and securities issued by any government or political subdivision.

Name of Business Smith and Associates

Address 405 South First St W, Missoula, MT 59801
(City, State, Zip Code)

Type of Business Professional MT Corporation

Name of Business Riverden, LLC

Address 405 South First St W, Missoula, MT 59801
(City, State, Zip Code)

Type of Business limited liability company (owns law office house)

Name of Business _____

Address _____
(City, State, Zip Code)

Type of Business _____

Name of Business _____

Address _____
(City, State, Zip Code)

Type of Business _____

Name of Business _____

Address _____
(City, State, Zip Code)

Type of Business _____

10. REAL PROPERTY

List all property (*other than one personal residence*) in which you hold an interest, if that interest currently has a fair market value of \$1,000 or more. An "interest" includes a fee, life estate, joint or common tenancy, leasehold beneficial interest (through a trust), option to purchase, or mineral or royalty interest. (Attach a list if necessary)

General Description of Property House for Office

Nature of Interest Held in the Property I am a co-owner in Riverden LLC, the entity which owns the house where my office is located

General Description of Property 10 acres and improvements in Arlee sold a few years ago on a contract for deed (former residence)

Nature of Interest Held in the Property contractual right to receive payments from sale

General Description of Property _____

Nature of Interest Held in the Property _____

General Description of Property _____

Nature of Interest Held in the Property _____

10. REAL PROPERTY, Continued

General Description of Property _____

Nature of Interest Held in the Property _____

General Description of Property _____

Nature of Interest Held in the Property _____

General Description of Property _____

Nature of Interest Held in the Property _____

11. ASSOCIATION WITH OTHER ENTITIES

List each additional entity in which you are an OFFICER or DIRECTOR; include both for-profit and not-for-profit entities. (Attach a list if necessary)

Name of Organization _____ Office Held _____

Address _____ (City, State, Zip Code) _____

Name of Organization _____ Office Held _____

Address _____ (City, State, Zip Code) _____

Name of Organization _____ Office Held _____

Address _____ (City, State, Zip Code) _____

Name of Organization _____ Office Held _____


Address _____ (City, State, Zip Code) _____

Name of Organization _____ Office Held _____

Address _____ (City, State, Zip Code) _____

CERTIFICATION

I hereby certify that the foregoing statements are true and correct to the best of my knowledge.



Signature

2-3-13

Date

FORM MAY BE REPRODUCED

Notice: you must follow up with a signed hard copy to CPP. Delivery receipt of this form will appear in your email. For further guidance, contact CPP at (406) 444-2942. (Internet Explorer is recommended)